

## REMARKS

Applicants thank the Examiner for the indication of allowable subject matter in Claims 14-19 and 21-27. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the following remarks, which are responsive to the final Official Action mailed on March 29, 2004. In the final Official Action, the Examiner rejected Claims 1-13 and 20. Applicants have amended Claim 9. Claims 1-27 remain pending in the present application and the independent claims are Claims 1, 9, 14, 21, and 25.

### **Claim Rejections Under 35 U.S.C. § 103**

The Examiner rejected independent Claims 1 and 9 under 35 U.S.C. § 103 as being obvious in view of the combination of U.S. Patent No. 6,424,828 to Collins (the “Collins Patent”) and U.S. Patent No. 6,072,862 to Srinivasan (the “Srinivasan Patent”). The Applicants respectfully offer remarks to traverse these pending rejections.

#### I. The Collins and Srinivasan Patents Fail to Render Claim 1 Obvious

##### A. The Collins Patent Fails to Teach the Elements of Claim 1

The Collins Patent teaches a method and system for sending and receiving Internet email using a cellular telephone. Specifically, SMS messages and Internet email messages are communicated between the SMS of a mobile service provider and an Internet email gateway. *See* col. 4, ll. 30-58. Significantly, the SMS only has two choices for message types, an SMS message or an Internet email message. *See* col. 5, ll. 30-33; Figs. 1A and 1B. As the Examiner acknowledges in the final Official Action, “Collins . . . does not explicit[ly] disclose a selected data format from a group of at least three data formats.” *See* final Official Action, p. 3. Therefore, the Collins Patent does not disclose determining a data format from a group of at least three data formats as recited in Claim 1.

##### B. The Srinivasan Patent Fails to Supply the Elements Missing From the Collins Patent

The Srinivasan Patent teaches a method and system for delivering different types of messages. The Srinivasan Patent uses a universal mailbox that is capable of receiving and storing messages of varying formats. *See* col. 3, ll. 7-15. However, a user must program the universal mailbox to determine how messages are distributed. *See* col. 3, ll. 27-36. The patent

describes a subscriber programming the mailbox to route messages to a particular fax machine or voice mail system depending on the date or time the message is received. *See col. 3, ll. 44-60.* The method for using the universal mailbox also describes “preselecting (52) one of a plurality of destinations . . . for a message received by the mailbox.” *See col. 4, ll. 40-43; Fig. 2.* In order for the universal mailbox to function, “[s]pecific destinations are preselected before receipt of the messages.” *See col. 2, ll. 58-59* (emphasis added).

The Srinivasan Patent fails to provide the elements missing from the Collins Patent that would render Claim 1 obvious. Srinivasan teaches that the format of all messages must be predetermined by a user. *See col. 2, ll. 58-59.* The universal mailbox then converts the message according to the pre-selected format. *See col. 3, ll. 60-63.* In contrast to the simpler, predetermined decision in Srinivasan, Claim 1 recites a method where the identity of a data communication device and the data format for that communication device are determined from a transmission received from another communication device. The universal mailbox disclosed in Srinivasan does not determine a selected data format, from a group of at least three data formats, based on the identity of the receiving device as determined from the transmission. Because the destinations are predetermined by a user for the universal mailbox in Srinivasan, it does not have to make the determinations of the communication device identity and data format that the arbitrator makes as recited in Claim 1.

As described in the specification of the present application, Applicants are aware of other prior systems and methods that transmit data and convert data formats. *See p. 2, l. 20 - p. 4, l. 5.* However, Applicants respectfully submit that the prior art is limited in that it cannot accommodate simultaneous conversion among three different data formats, such as the more common radio frequency technologies, CDMA, TDMA, and GSM, as well as other media formats, such as facsimile or personal pager. *See p. 2, ll. 16-19.* Similarly, the Srinivasan Patent is only able to convert a message to a format of a predetermined destination as defined in advance by a user. In contrast, Claim 1 recites an arbitrator that automatically determines a selected data format from at least 3 possible formats. The arbitrator’s ability to make this determination in Claim 1 supports communications among communication devices using more than two specific data formats.

Furthermore, Applicants respectfully submit that there is no motivation to combine the references in the manner the Examiner asserts in the pending Official Action. There is no teaching in either reference to determine a data format, from at least three different formats, based on a received transmission. Even if one were to combine the teachings of the two patents, it mixes a system that has two data message choices with a system that is limited to transmitting a message in a predetermined format. It is respectfully submitted that this combination does not produce the invention defined by Claim 1.

II. The Collins and Srinivasan Patents Fail to Render Amended Claim 9 Obvious

A. The Collins Patent Fails to Teach the Elements of Amended Claim 9

As described above, the teachings of the Collins Patent are limited to a conversion process between two formats, an SMS message format and an Internet email format. *See* col. 5, ll. 30-33; Figs. 1A and 1B. Collins does not teach an arbitrator operable to determine a data format from at least three potential data formats. Collins merely describes a conversion process involving two communications formats similar to the prior art teachings described in the specification. *See* p. 2, l. 20 - p. 4, l. 5. In contrast, amended Claim 9 defines an arbitrator that determines a data format from at least three potential data formats.

The Collins Patent also only teaches communications between a single SMS and a single Internet email gateway. *See* col. 4, ll. 56-58. Collins fails to describe a communication system involving different wireless access methods. In contrast, amended Claim 9 recites communication among three data communication devices, wherein the third data communication device receives communications from devices using different wireless access methods. The ability to communicate among three data communication devices using different data formats distinguishes Claim 9, as amended, from the disclosure in Collins.

B. The Srinivasan Patent Fails to Supply the Elements Missing From the Collins Patent

As discussed in connection with Claim 1, the Srinivasan Patent discloses a universal mailbox that is limited to transmitting messages in a predetermined format. Srinivasan does not teach a system that makes format decisions based on the information in the received message. In contrast, amended Claim 9 recites using the first data transmission to determine: (i) the identity of the third communication device; and (ii) the data format, selected from at least three data

formats, expected by the third communication device. Using an arbitrator to make dynamic determinations about received transmissions is distinct from the predetermined format decisions taught in Srinivasan. The system defined by Claim 9, as amended, is not limited to transmitting messages in a format pre-selected by the user.

The Srinivasan Patent is further distinguishable from amended Claim 9 because all messages must pass through the universal mailbox. Srinivasan discloses a system where a user controls the routing of all messages with the universal mailbox. *See* col. 2, ll. 49-61. The user must program the mailbox to route messages to particular destinations. *See* col. 3, ll. 44-60.

In contrast, amended Claim 9 defines a system for communication among three different devices using different wireless access methods. The system of amended Claim 9 uses an arbitrator to support communication among the three devices, however, all transmissions are not required to pass through the arbitrator. The arbitrator determines, from a data transmission, the intended recipient and the data format expected by the recipient. The arbitrator then converts the transmission to the expected data format. However, Claim 9 also recites sending a transmission directly from one device to another device. Accordingly, Applicants submit that Srinivasan fails to teach the elements absent from the Collins Patent that would render amended Claim 9 obvious.

Applicants also traverse the Examiner's position that it would have been obvious to modify Collins with the teachings of Srinivasan. There is no suggestion in the art to combine the teachings of the two references. Moreover, the combination of the two references produces a system that uses two communication formats where a user pre-selects one of the formats. The combined references do not teach the invention recited in amended Claim 9.

### **Dependent Claim Rejections**

If an independent claim is allowable, then the claims dependent thereon should also be allowable because they add limitations to the independent claim. *In re Fine*, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988). In view of the foregoing remarks with respect to independent Claims 1 and 9, the Applicants respectfully submit that each dependent claim is patentable over the combination of the Collins Patent and the Srinivasan Patent. Thus, the Applicants request that the Examiner withdraw the rejection of dependent Claims 2-8, 10-13, and 20.

**CONCLUSION**

The foregoing is submitted as a full and complete response to the final Official Action mailed on March 29, 2004. The Applicants and the undersigned thank Examiner Ferguson for considering these remarks. The Applicants have submitted amendments and remarks to traverse the rejections of Claims 1-13 and 20. The Applicants respectfully submit that the present application is in condition for allowance.

An early notice of allowance is hereby courteously solicited. If any other issues remaining in this application may be resolved by a telephone conference, the Examiner is respectfully requested to contact the undersigned at (404) 572-3509.

Respectfully submitted,



Robert T. Neufeld  
Reg. No. 48,394

King & Spalding LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1763  
404.572.4600  
K&S Docket: 06931.105011